

### **REMARKS**

Claims 6, 7, 9, 32, and 34 are pending in the subject application.

Applicants have amended claims 6, 7, 9, 32, and 34, and have herein canceled claims 8, 10, 33, and 35. These changes do not introduce any new matter.

#### **Rejection Under 35 U.S.C. § 112**

Applicants respectfully request reconsideration of the rejection of claims 6-9 and 32-35 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claims 6 and 32 to address the Examiner's indefiniteness concerns. Accordingly, Applicants submit that claims 6, 7, 9, 32, and 34 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and request that the rejection of these claims thereunder be withdrawn.

#### **Rejections Under 35 U.S.C. § 103**

Applicants respectfully request reconsideration of the rejection of claims 6-9 and 32-34 under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* (U.S. Patent No. 5,528,293) in view of *Kinjo* (U.S. Patent No. US 6,583,811 B2). As will be explained in more detail below, the combination of *Watanabe* in view of *Kinjo* would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 6 and 32, as amended herein.

In formulating the obviousness rejection, the Examiner concedes that the *Watanabe* reference does not disclose each and every feature of the subject matter defined in independent claims 6 and 32, but asserts that the deficiencies of the *Watanabe* reference relative to the claimed subject matter are cured by the *Kinjo* reference. For the reasons set forth below, the *Kinjo* reference does not cure the deficiencies of the *Watanabe* reference relative to the claimed subject matter.

The photographic system disclosed by *Kinjo* is intended to record image data of a series of frames from the same scene, so as to compose a high definition image. To attain this objective, the *Kinjo* reference discloses associating image data and corresponding photographic data. As used in the *Kinjo* reference, the “corresponding photographic data” only represents the shooting conditions, and is commonly associated with image data of a series of frames (see Figure 2 and column 5, line 54 to column 6, line 3).

In contrast, the image processing condition of the claimed subject matter does not depend on a shooting scene. Further, while an image processing control parameter is for allowing an image pick-up device to designate an image processing condition under which an image processing device carries out image processing on individual image data, the “corresponding photographic data” of *Kinjo* only represents shooting conditions at the time of the shooting of the photograph, and such “corresponding photographic data” is not associated with the individual image data.

For at least the foregoing reasons, the “corresponding photographic data” shown by *Kinjo* is different from the image processing control information of the claimed subject matter. As such, the *Kinjo* reference does not disclose or suggest the relating of image data and image processing control information as in the claimed subject matter. Thus, the *Kinjo* reference does not cure the deficiencies of the *Watanabe* reference relative to the claimed subject matter.

Accordingly, claims 6 and 32, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Watanabe* in view of *Kinjo*. Claims 7 and 9, each of which depends from claim 6, and claim 34, which depends from claim 32, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Watanabe* in view of *Kinjo* for at least the same reasons set forth above regarding the applicable independent claim.

In light of the cancellation of claims 10 and 35 herein, Applicants respectfully submit that the rejection of claims 10 and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Kinjo* and further in view of *Takemura* (U.S. Patent No. US 6,657,658 B2) is moot.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 6, 7, 9, 32, and 34, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP001).

Respectfully submitted,  
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